

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:10-cr-00075-D**

UNITED STATES OF AMERICA

v.

**DESMON TERRILL BARNHILL, and
LEWELLYN TERRELL VAUGHT.**

ORDER

THIS CAUSE comes before the Court on defendants' Joint Motion for Independent Lab Examination (the "Joint Motion"). The Joint Motion was filed by counsel for Defendant Barnhill, with the express consent of counsel for Defendant Vaught who joins in the motion, on or about 14 April 2011. Defendants' Joint Motion seeks an order from this Court authorizing evidence, specifically two quantities of alleged contraband, to be transported and submitted to an independent lab for analysis. For the reasons set forth in the Joint Motion, the Court hereby GRANTS the Joint Motion and further ORDERS:

1. The government is ordered to coordinate submission of the alleged crack cocaine samples, alleged in the above captioned matter to stem from the offense dates of **21 September 2009 (approximately 82 grams) and 1 October 2009 (approximately 34.7 grams)**, to Dr. Michael A. Kuzemko, Pitt County Sheriff's Department for testing as to whether these two quantities are salt or base.

2. Dr. Kuzemko is located at the Pitt County Detention center in Greenville, North Carolina, and is hereby authorized to conduct the necessary testing.

3. The government is ordered to coordinate in good faith with counsel for defendants and Dr. Kuzemko to coordinate the testing so that it occurs in a timely manner.

4. The defendants Vaught and Barnhill, by way of their Joint Motion, both have expressly waived any chain of custody issues at trial pertaining to these two aforementioned quantities of alleged contraband.

Having considered the Joint Motion and pertinent parts of the record, it is hereby ORDERED AND ADJUDGED that defendants' Joint Motion for Independent Lab Examination by Dr. Michael A. Kuzemko is GRANTED .

DONE AND ORDERED this 15 day of April, 2011.



THE HONORABLE JAMES C. DEVER III
UNITED STATES DISTRICT JUDGE